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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,291	06/27/2001	Stephen T. Isaf	I078 I010	4314

7590 10/18/2004

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EXAMINER

WASYLCHAK, STEVEN R

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 10/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/893,291

Applicant(s)

ISAF ET AL

Examiner

Steven R. Wasylchak

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-15, 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Stone et al. (US 6,738,750).

Claims:

1. A method of facilitating trade, comprising the steps of:
receiving an input price from a network client as input to a computer
program at a network server;/col 1,L47-51; col 5, L 48-58
accessing via the computer program a plurality of pre-configured buyer
profiles, each profile of the plurality of buyer profiles including at
least the identification of a buyer, a delivery destination and a
pricing factor associated with the identified buyer;/ fig 2a(1760),b,c; col 22, L 1-29; col
23, L 37-56
accessing via the computer program a logistics database which includes at
least costing information associated with shipping to delivery
destinations;/fig 5a-5h; col 22, L 66 to col 23, L 19

Art Unit: 3624

configuring via the computer program a plurality of output prices, each output price being associated with one buyer profile of the plurality of buyer profiles, and each output price being a modification of the input price and reflecting at least (i) a cost of shipping to the delivery destination of the respective associated buyer profile and/ col 22, L 66 to col 23, L 19

(ii) a price adjustment affected by the pricing factor of the respective associated buyer profile; and/ col 22, L 1-29
confidentially distributing the plurality of output prices, including the step of distributing to the identified buyer associated with each buyer profile the output price associated with the respective associated buyer profile./fig 2a,b,c; col 22, L 1-29

2. The method of claim 1, wherein the step of confidentially distributing includes the step of posting each output price at the server for confidential access by the buyer identified in the respective associated buyer profile./col 21, L 23-67; col 23, L 37-56

3. A system for facilitating trade,
a server connected to the internet;/ fig 26(2340); col 8, L 56-62
a plurality of pre-configured buyer profiles accessible to said server, each said profile of said plurality of buyer profiles including at least the identification of a buyer, a delivery destination, and a pricing

Art Unit: 3624

factor associated with the identified buyer;/ fig 2a(1760),b,c; col 22, L 1-29; col 23, L 37-56

logistics data accessible to said server, said logistics data including at least costing information associated with shipping to delivery destinations;/ fig 5a-5h; col 22, L 66 to col 23, L 19

a computer program feature converting an input price input at the server to a plurality of output prices, each output price being associated with one buyer profile of the plurality of buyer profiles, and each output price being a modification of the input price and reflecting at least (i) a cost of shipping to the delivery destination of the respective associated buyer profile and (ii) a price adjustment affected by the pricing factor of the respective associated buyer profile./ col 22, L 1-29; fig 2a,b,c; col 22, L 1-29; col 22, L 66 to col 23, L 19; fig 2b (2725)

4. The system of claim 3, wherein each said buyer profile of said plurality further comprises product specifications unique to said buyer such that, when said seller identifies a product for sale, said buyer is selected to receive said product based on matching said product specification unique to said buyer./ col 22, L 1-29

5. The system of claim 3, wherein each said output price is forwarded to a buyer associated with the respective buyer profile./ col 23, L 37-56

6. The system of claim 3, wherein said input price is provided in a recognized shipping term selected by said seller./col 35, L 46 to col 36, L 56

Art Unit: 3624

7. The system of claim 3, wherein said input price is a free-on-board price./ fig

2a(1760),b,c; col 22, L 1-29; col 23, L 37-56

8. The system of claim 3, wherein each said outpost price is provided in a

recognized shipping term selected by said seller./ fig 2a(1760),b,c; col 22, L 1-29; col

23, L 37-56

9. The system of claim 3, wherein said delivered price is a cost-insurance-

freight price./ col 35, L 46 to col 36, L 56

10. The system of claim 3, further comprising a negotiation platform for

confidentially posting said output prices for access by respective buyer's./ col 10, L 16-

36

11. The system of claim 3, wherein said computer program can convert a

delivered price entered into said platform by a buyer into an origin price

for presentment to a seller./ col 10, L 16-36

12. The system of claim 11, wherein said origin price is forwarded only to

sellers who have profiled said buyer in their buyer profile database./ col 10, L 16-36

13. A computer readable medium containing a computer program for

managing a trading platform, said computer program comprising:

program instructions that allow a producer to create at least one buyer

profile for one buyer;

program instructions that grant access privileges to said buyer;

program instructions that receive an offer price from said seller; and

program instructions that calculate a plurality of delivered prices, each

Art Unit: 3624

said delivered price uniquely calculated for individual buyers based at least in part on an individual buyer's pricing factor./refer all to claim 1

14. The computer readable medium of claim 13 further comprising program instructions for calculating an offer price from each said delivered price./ refer to claim 1

15. The computer readable medium of claim 13, wherein said buyer access privileges allow access to only information specifically designated for said buyer./ refer to claim 2

22. A system for facilitating trade, comprising the steps of generating at a server on a global computer network a plurality of delivered prices from a single origin price input by a seller via a network client and making one delivered price of said plurality of delivered prices confidentially accessible to each of a plurality of buyers via a network client./col 8, L56-61; col 23,L 37-56; col 21, L 23-67

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 16-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stone et al. (US 6,738,750).

Claims:

16. A method for making a bid transaction on a trading platform accessible to

Art Unit: 3624

sellers and buyers, comprising the steps of:

receiving buyer information into the trading platform creating at least one

buyer profile and establishing a basis for a trading relationship with said buyer; /

notifying said buyer of the establishment of said trading relationship and

granting said buyer access privileges to said platform;

introducing product information into said platform, including an origin

offer price;

generating a delivered price from said origin offered price, forwarding to

buyers in said seller's buyer profile by said platform;

notifying said buyer of the availability of an offer on said platform; and, /refer to claim 1

Stone et al. does not explicitly disclose receiving a counteroffer price from said buyer.

Official notice is taken that this feature is old and well known in

the art. It would have been obvious to one of

ordinary skill in the art at the time of applicant's invention to implement this

feature for the advantage of possibly obtaining a higher price and close the sale.

17. The method of claim 16, wherein said step of generating a delivered price

further comprises the step of introducing said offer price into a price

configurator. / col 10, L 6-36

18. The method of claim 16, wherein said price configurator is an automatic

pricing system that can convert an offer price to an individual delivered

price. /col 5, L 48-50 ("update")

19. The method of claim 16, wherein said price configurator is an automatic

Art Unit: 3624

pricing system that can convert an individual delivered price to an offer price./col 5, L 48-50

20. The method of claim 16, wherein said step of generating an offer price further comprises the step of considering at least one of said buyer profile, logistics rate tables, and product specifications./ col 4, L 60 to col 6, L 13

21. The method of claim 16, wherein said step of generating a delivered price further comprises the step of considering criteria specifically set by said seller./ col 10, L 16-36

This action is **NON-FINAL**. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven R. Wasylchak whose telephone number is (703) 308-2848. The examiner can normally be reached on Monday-Thursday from 7:00 a.m. to 6:00 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin, can be reached at (703) 308-1065. The fax number for Art Unit 3624 is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Steven Wasylchak

9/29/04



VINCENT MILLIN
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